

In the Matter of NEW YORK POST, INC., and PUBLISHERS SERVICE, INC.
and NEWSPAPER GUILD OF NEW YORK

Case No. R-1369

SUPPLEMENTAL DECISION

AND

CERTIFICATION OF REPRESENTATIVES

October 7, 1939

On August 24, 1939, the National Labor Relations Board, herein called the Board, issued a Decision and Direction of Elections in the above-entitled proceedings.¹ The Direction of Elections provided that separate elections by secret ballot be conducted within twenty (20) days from the date of the Direction, under the direction and supervision of the Regional Director for the Second Region (New York City), among those employees of New York Post, Inc., New York City, herein called the Post, and Publishers Service Company, Inc., New York City,² within each of the following groups whose names appeared on the Companies' pay roll or pay rolls immediately preceding the date of the Direction, including employees who did not work during such pay-roll period or periods because they were ill or on vacation, and employees who were then or had since been temporarily laid off, excluding those who had since quit or had been discharged for cause:

(a) City inspectors and road men including those named in Appendix "G,"³ to determine whether they desired to be represented by Newspaper Guild of New York, herein called the Guild, or by Newspaper and Mail Deliverers' Union, herein called the N. M. D. U., or by neither, for the purposes of collective bargaining;

(b) All employees of the Companies including the employees whose names are set forth in Appendices "A," "B," "C," "D," "F," and "H," but excluding all executives and officials of the Companies; all temporary workers in the Public Service Department of the Post; all canvassers and book deliverers working on book sales on a com-

¹ N. L. R. B. 1008.

² New York Post, Inc. and Publishers Service Company, Inc. are at times herein referred to as the Companies.

³ All references to appendices and to the attached appendices, hereby made part hereof.

mission basis for the Post; all employees of the Companies who were covered by existing company contracts with established craft-unions; all employees of the Companies who were covered by existing company contracts with established craft unions and who were eligible to membership in said established craft unions; the afternoon clerks and all-day clerks; and, irrespective of the foregoing, excluding specifically city inspectors and road men; the employees listed on the Circulation Department pay roll, except the employees whose names are set forth in Appendix "A"; all employees listed on the Composing Room pay roll, except the employees whose names are set forth in Appendix "B"; all employees listed on the Press Room and Paper Handlers' pay roll; all employees listed on the Stereotype pay roll, except the employee whose name is set forth in Appendix "C"; all employees listed on the Photo Engraving and Photo Composing pay roll, except the employees including the maskers whose names are set forth in Appendix "D"; all employees listed on the Wonderland of Knowledge Canvass pay roll; all employees listed on the Departmental pay roll, page 15;⁴ Isabella Whitfield; all persons listed on the Departmental pay roll, page 19;⁵ Ralph Neusitz and Wiley Owens; and all employees whose names are set forth in Appendix "E," to determine whether or not they desired to be represented by Newspaper Guild of New York for the purposes of collective bargaining.

In the Decision and Direction of Elections the Board made no final determination concerning the inclusion or exclusion within the unit there found to be appropriate of city inspectors and road men employed by the Post. The Board stated that if a majority of these employees "vote for the Guild they will thereby indicate that they desire to be represented by the Guild for collective bargaining and will be included in the general bargaining unit. If, on the other hand, the majority of these employees cast their votes for the N. M. D. U. they shall be excluded from the general unit."

Pursuant to the Decision and Direction of Elections, elections by secret ballot were conducted on September 11, 1939, at New York City, under the direction and supervision of the Regional Director for the Second Region. On September 13, 1939, the Regional Director, acting pursuant to Article III, Section 9, of National Labor Relations Board Rules and Regulations—Series 2, issued an Election Report, copies of which were duly served upon the Companies, upon

⁴ Board Exhibit No. 23, p. 15. The employees listed on page 15 of this pay roll are: Wilbur Beekman, Fred Butts, Claude Clum, John Dineen, Walter Doyle, Arthur Gaebel, Edmund Goodrich, Robert Gray, Felix Murphy, John Pursell, and H. J. Bermilyea.

⁵ Board Exhibit No. 23, p. 19. The persons hereby excluded on page 19 are: George Babbage, A. F. J. Crandall, Herman Dippel, James Henderson, James Hurley, William Kistler, William Lawson, Archibald McEwan, Bessie Omansky, and Byron Pink.

the Guild, and upon the N. M. D. U. No Objections to the Election Report have been filed by any party.

The Regional Director reported the following results of the secret ballot among Groups (a) and (b) :

Group (a)

Total number eligible to vote-----	11
Total number of ballots cast-----	11
Total number of ballots counted-----	11
Total number of votes in favor of Newspaper Guild of New York-----	8
Total number of votes in favor of Newspaper and Mail Deliverers' Union-----	3
Total number of votes in favor of neither organization-----	0
Total number of blank, void, or challenged votes-----	0

Group (b)

Total number eligible to vote-----	499
Total number of ballots cast-----	349
Total number of ballots counted-----	347
Total number of votes in favor of Newspaper Guild of New York-----	330
Total number of votes against afore-mentioned organization---	17
Total number of blank votes-----	1
Total number of void ballots-----	1
Total number of challenged votes-----	0

Upon the basis of the entire record, the Board makes the following:

SUPPLEMENTAL FINDINGS OF FACT

We find that all employees of the Companies including the employees whose names are set forth in Appendices "A," "B," "C," "D," "F," and "H," and including city inspectors and road men including those named in Appendix "G," but excluding all executives and officials of the Companies; all temporary workers in the Public Service Department of the Post; all canvassers and book deliverers working on book sales on a commission basis for the Post; all employees of the companies who are covered by existing company contracts with established craft unions; all employees of the Companies who are covered by existing company contracts with established craft unions and who are eligible to membership in said established craft unions; the afternoon clerks and all-day clerks; and, irrespective of the foregoing, excluding specifically the employees listed on the Circulation Department pay roll, except the employees whose names are set forth in Appendix "A"; all employees listed on the Composing Room pay roll, except the employees whose names are set forth in Appendix "B"; all employees listed on the Press Room and Paper Handlers'

pay roll; all employees listed on the Stereotype pay roll, except the employee whose name is set forth in Appendix "C"; all employees listed on the Photo Engraving and Photo Composing pay roll, except the employees including the maskers whose names are set forth in Appendix "D"; all employees listed on the Wonderland of Knowledge Canvass pay roll; all employees listed on the Departmental pay roll, page 15;⁶ Isabella Whitfield; all persons listed on the Departmental pay roll, page 19;⁷ Ralph Neusitz and Wiley Owens; and all employees whose names are set forth in Appendix "E," constitute a unit appropriate for the purposes of collective bargaining and that said unit will insure to employees of the Companies the full benefit of their right to self-organization and collective bargaining and otherwise effectuate the policies of the Act.

We find that the Guild has been designated and selected by a majority of the employees in the above-described unit as their representative for the purposes of collective bargaining. It is, therefore, the exclusive representative of all employees in such unit for the purposes of collective bargaining in respect to rates of pay, wages, hours of employment, and other conditions of employment, and we will so certify.

Upon the basis of the above findings of fact, and upon the entire record in the case, the Board makes the following:

SUPPLEMENTAL CONCLUSIONS OF LAW

1. All employees of the Companies including the employees whose names are set forth in Appendices "A," "B," "C," "D," "F," and "H," and including city inspectors and road men including those named in Appendix "G," but excluding all executives and officials of the Companies; all temporary workers in the Public Service Department of the Post; all canvassers and book deliverers working on book sales on a commission basis for the Post; all employees of the Companies who are covered by existing company contracts with established craft unions; all employees of the Companies who are covered by existing company contracts with established craft unions and who are eligible to membership in said established craft unions; the afternoon clerks and all-day clerks; and, irrespective of the foregoing, excluding specifically the employees listed on the Circulation Department pay roll, except the employees whose names are set forth in Appendix "A"; all employees listed on the Composing Room pay roll, except the employees whose names are set forth in Appendix "B"; all employees listed on the Press Room and Paper Handlers' pay roll; all employees listed on the Stereotype pay roll, except the

⁶ See footnote 4.

⁷ See footnote 5.

employee whose name is set forth in Appendix "C"; all employees listed on the Photo Engraving and Photo Composing pay roll, except the employees including the maskers whose names are set forth in Appendix "D"; all employees listed on the Wonderland of Knowledge Canvass pay roll; all employees listed on the Departmental pay roll, page 15;⁸ Isabella Whitfield; all persons listed on the Departmental pay roll, page 19;⁹ Ralph Neusitz and Wiley Owens; and all employees whose names are set forth in Appendix "E," constitute a unit appropriate for the purposes of collective bargaining, within the meaning of Section 9 (b) of the National Labor Relations Act.

2. Newspaper Guild of New York is the exclusive representative of all the employees in such unit for the purposes of collective bargaining in respect to rates of pay, wages, hours of employment, and other conditions of employment, within the meaning of Section 9 (a) of the National Labor Relations Act.

CERTIFICATION OF REPRESENTATIVES

By virtue of and pursuant to the power vested in the National Labor Relations Board by Section 9 (c) of the National Labor Relations Act, 49 Stat. 449, and pursuant to Article III, Sections 8 and 9, of National Labor Relations Board Rules and Regulations—Series 2,

IT IS HEREBY CERTIFIED that Newspaper Guild of New York has been designated and selected by a majority of all employees of New York Post, Inc., New York City, and Publishers Service Company, Inc., New York City, including the employees whose names are set forth in Appendices "A," "B," "C," "D," "F," and "H," and including city inspectors and road men including those named in Appendix "G," but excluding all executives and officials of the Companies; all temporary workers in the Public Service Department of the Post; all canvassers and book deliverers working on book sales on a commission basis for the Post; all employees of the Companies who are covered by existing company contracts with established craft unions; all employees of the Companies who are covered by existing company contracts with established craft unions and who are eligible to membership in said established craft unions; the afternoon clerks and all-day clerks; and, irrespective of the foregoing, excluding specifically the employees listed on the Circulation Department pay roll, except the employees whose names are set forth in Appendix "A"; all employees listed on the Composing Room pay roll, except the employees whose names are set forth in Appendix "B"; all employees listed on the Press Room and Paper Handlers' pay roll; all employees listed on the Stereotype pay roll, except the employee whose

⁸ See footnote 4.

⁹ See footnote 5.

name is set forth in Appendix "C"; all employees listed on the Photo Engraving and Photo Composing pay roll, except the employees including the maskers whose names are set forth in Appendix "D"; all employees listed on the Wonderland of Knowledge Canvass pay roll; all employees listed on the Departmental pay roll, page 15;¹⁰ Isabella Whitfield; all persons listed on the Departmental pay roll, page 19;¹¹ Ralph Neusitz and Wiley Owens; and all employees whose names are set forth in Appendix "E," as their representative for the purposes of collective bargaining and that, pursuant to the provisions of Section 9 (a) of the National Labor Relations Act, Newspaper Guild of New York is the exclusive representative of all such employees for the purposes of collective bargaining in respect to rates of pay, wages, hours of employment, and other conditions of employment.

APPENDIX A

Frank Saragino.

Arthur Jaeger.

APPENDIX B

John R. Curran.

Karel Palle.

William Fallon.

Joseph Phillips.

Thomas Gonsalves.

Michael Rosa.

William Lecomte.

William Safford.

Frank Maggi.

Reese Walker.

Andrew Marco.

Joseph Williams.

Frank Moger.

APPENDIX C

James Smith.

APPENDIX D

John Beninger.

Lillian Pagano.

George Cooper.

Joseph Radetzky.

Calvin Gaebel.

Mario Spurio.

Edward Hessler.

Michael Surgeary.

John Mazza.

¹⁰ See footnote 4.

¹¹ See footnote 5.

APPENDIX E

J. David Stern.	Edmund Goodrich.
Harry Saylor.	Walter Doyle.
Luther Harr.	Felix Murphy.
David Stern.	Harry Nason.
Louis Kolb.	Paul Sarazen.
Walter Lister.	Mark Sarazen.
Paul Tierney.	Harold Fenton.
Andrew Biachi.	Francis McLaughlin.
Louis Mangel.	George Casey.
Leo Businell.	E. X. Anderson.
Thomas Danby.	Harry Brightman.
James Getleson.	Adolph Gentzel.
Winn Eller.	Arthur Weiss.
M. H. Sloman.	Joseph Hornicek.
Natt Getlin.	Frank Stockman.
Edward Wiest.	John Anderson.
Wesley Garver.	George Schudt.
Claude Clum.	James Gibson.
Arthur Gaebel.	Joseph Quilty, Sr.

35. Crew Managers in Wonderland of Knowledge.

APPENDIX F

Marvin Dietch.	Harold Gardner.
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APPENDIX G

Harry Becker.	Raymond A. Kallmeyer.
Jack Brown.	Jas. Kaplan.
John Cintula.	Harry Kaufman.
Edward Dunphy.	Edward J. Mullins.
Harry Fisher.	Jos. Warshauer.
Byron Greenberg.	

APPENDIX H

Garry Finley.	Thomas Nestor.
Mac Gache.	Gerald Rosa.
Stanley MacGovern.	Ted Thackeray.
Mary MacClung.	Nelly VanderDoes.